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Working Paper

The Italian Academy for Advanced Studies in America - Columbia University Law, Physiognomy and Medicine in Sixteenth-Century Venice: The Case of Giovanni Ingegneri, Bishop of Capodistria († 1600)

10.27.2015

Educated in medicine, Giovanni Ingegneri later became a Venetian jurist who also served as Bishop of Capodistria from 1576 until his death in 1600. An extremely cultivated man, he was the author of two books: a handwritten legal treatise hitherto unknown to modern scholars, entitled *Contra la sofistica disciplina de' giureconsulti (Against the Sophistic Discipline of Jurists)*, and a treatise on physiognomy, *Fisionomia Naturale*, which has been referenced in several studies on physiognomy and magic but never studied in its entirety (THORNDYKE, 1941; PORTER, 2005). At the time of Ingegneri's death, both texts existed in manuscript form only. *Fisionomia Naturale* was published posthumously and anonymously by Ingegneri's nephew, Angelo, in 1606.

Both treatises testify to an extraordinary and original mind. Even if Ingegneri has, until recently, been overlooked by modern scholars, Lodovico Antonio Muratori, the prominent eighteenth-century Italian historian, evidently grasped the significance of his work. Indeed, some of the most innovative aspects of his own oeuvre build on Ingegneri's treatises. As I have previously revealed in my own research, Muratori unearthed Ingegneri's legal manuscripts at Milan's Biblioteca Ambrosiana, founded by Federico Borromeo, during the period 1695-1700 (BRAGAGNOLO, 2014). During his residency as a "doctor" there, Muratori recorded, in several notebooks, extracts from what appeared to be a "manuscript project" -"un progetto manoscritto" - of Ingegneri's treatise Contra la sofistica disciplina de' giureconsulti. This manuscript, divided into three books and containing the first seven chapters of Ingegneri's work as well as a detailed index of the whole treatise, is still preserved in the Biblioteca Ambrosiana (Ms. S 86 sup). Back in Modena, in 1700, Muratori kept his notebooks and returned to them during the writing of Reflections on Good Taste (1715). In this work, Muratori clearly indicated that, if opportunely moderated - Ingegneri's treatise appeared to him, in fact, to be too radical - Ingegneri's proposal could help to resolve the failings of the legal system of the period. This suggestion appealed to Muratori's correspondents, but it was Muratori himself who followed in Ingegneri's footsteps, producing his celebrated legal treatise on the defects of jurisprudence, Dei difetti della giurisprudenza,

in 1742. Muratori, moreover, engaged with Ingegneri's *Fisionomia* in his *Filosofia Morale* (1735), stressing the fundamental role of physiognomy in understanding how differences in brain structure might influence human habits. Referencing Ingegneri's analysis of human brains, and providing medical and anatomical justifications, Muratori emphasized the importance of using physiognomy in order to identify and evaluate young people's talents and inclination for a particular field or career. In this way, Muratori redeployed the longstanding sixteenth-century debate on wit, which began with the well-known treatise by Spanish physician Juan Huarte de San Huan (PÉRUSE, 1970; KIBANSLI, PANOFSKY, SAXL, 1983; BRANN, 2002).

This paper aims to address some of the major components of Ingegneri's life and work. I will focus on the interactions between law, physiognomy and medicine in the particular intellectual context of the Republic of Venice during the sixteenth century, an important moment in time that facilitated the movement "from physiognomics to neuroscience" (FREEDBERG, 1014). In this paper, and in our seminar on Tuesday, I will present part of a larger history, one which shows how the law must enter into dialogue with science. Such a history has relevance today, particularly where the application of neuroscience in legal trials is concerned.

In this paper I will focus specifically on the way in which the fields of physiognomy and medicine can facilitate the way we think about law in sixteenth-century Italy. In our seminar on Tuesday I will provide more background on the interactions between criminal law, medicine and physiognomy in the sixteenth century. This will lead to an analysis of the different ways in which Ingegneri, at once a lawyer, a bishop, and a medical scholar, deployed physiognomy and tried to make of it a science in the context of the Venetian and Paduan debates.

1. A Lawyer, a Bishop, a Physiognomist

Ingegneri was a Venetian citizen who came from a well-established Venetian family. Having studied law in Padua, he was described as a *"jurisconsultus celebris"* by Ughelli in his *Historia Sacra*. Upon completing his legal studies, he became procurator for the Bishop of Padua, Niccolò Ormaneto, whose proximity to the advocates of Italian evangelism has already been underlined by modern scholars. As Ormaneto's procurator, Ingegneri was actively involved in the academic life of Padua. From 1570 to 1572 he participated in doctoral exams in medicine and law, alongside the foremost teachers of the celebrated Studio of Padua. While famous for its legal studies - both civil and criminal - the Studio was also the place where

Ingegneri absorbed the medical knowledge that would later appear in *Fisionomia*. It was a centre for the elaboration of humanistic medicine, which was intertwined with Vesalio's revolutionary anatomical teachings. In the early sixteenth century, after medieval physiognomy had undergone a fruitful period thanks to advancements by physicians such as Pietro d'Abano (1295) and Michele Savonarola (1442), the Studio participated in the rebirth of physiognomic studies, on account of works by anatomist Alessandro Achillini (1503) (ZAMBELLI, 1978). Building on Aristotle's philosophy, Achillini attempted to reestablish the teaching of physiognomy and palmistry at the Studio. He was, moreover, one of the sixteenth-century editors (1501) of the *Secretum Secretorum* (1501), the physiognomy treatise then attributed to Aristotle, which contained the teachings required by the prince for governance; it was republished in Venice several times and provided the main inspiration for Ingegneri's treatise.

Despite being charged with homicide, Ingegneri became Bishop of Capodistria in 1576. The Venetian Cardinal, Giovanni Francesco Commendone, presented his nomination to Pope Gregory XIII. During his episcopacy Ingegneri oversaw many trials of faith alongside the local inquisitor and the Venetian "podestà". During his pastoral visit to Istria in 1580, Agostino Valier asked the *podestà*, Niccolò Donà, and the most important inhabitants of the city, for information on the Bishop. Their responses revealed how much the people respected Ingegneri. In spite of this reverence, however, it is interesting to note that Ingegneri did not consistently apply the directives of the Council of Trent. Indeed, although he celebrated the Holy Synod and visited his diocese regularly, attending to sacraments and matrimonies, he did not demand a profession of faith from physicians and lawyers because, he claimed, one had already been requested of them upon graduation. What is more, he published neither the Index of Forbidden Books, nor the Papal Bull, *In Coena Domini*, issued in 1568 by Pius V. Ingegneri's actions may in part be attributed to the fact that Capodistria was a Venetian diocese. This Bull, in fact, caused the first significant conflict between Venice and Rome, a conflict linked to the on-going jurisdictional tensions between the two powers.

All accounts confirmed that Ingegneri was a well-respected Venetian citizen. Moreover, the reports of the *capitani* and *potestà* of Capodistria revealed that Ingegneri was well acquainted with the Venetian political authorities; indeed, he knew the Doge, Niccolò da Ponte, personally. In their end of mandate speeches before the Doge and the Senate, all the *podestas* praised Ingegneri's erudition and his great loyalty to the Serenissima and to the Doge himself. Ingegneri was particularly attached to his nephew, Angelo, who contributed greatly to Italian cultural and political life (DOGLIO, 1989; BALDASSARRI, 2013). Angelo had a significant role to play in the diffusion of Tasso's *Gerusalemme Liberata*, producing the most famous edition of the masterpiece (1581). While the text was eventually published in Parma and Casalmaggiore, Angelo's work on the text was initially supposed to be done in Capodistria with the help of both his uncle, Giovanni, and the Venetian scholar Domenico Venier. The latter was a member of the Venetian *Accademia della Fama* and a friend of Tasso's father. Angelo was also well known as a playwright and for his treatises on theatre, especially his oeuvre *On Dramatic Poetry, and the Manner of Producing Scenic Fables* (1598). Arising out of his secretarial work in the main political centres, he wrote his wellknown treatise on the attributes of a good secretary, *Del Buon Segretario* (1594), during his stay in Rome while serving Cinzio Aldobrandini.

Just before his death aged 77 in 1600, Ingegneri asked his nephew to publish his legal treatise. Angelo worked methodically, producing a manuscript which, on close inspection, is worthy of immediate publication. He also sought financial support from the Duke of Urbino, his employer at the time. Despite this, *Contra la sofistica* only circulated as a manuscript within the Paduan intellectual circle of Gian Vincenzo Pinelli, one of the most prolific collectors of Renaissance books and manuscripts of the period.

2. Handsome, Good and Well-Tempered: Physiognomy as a Science between Medicine and Anatomy

In 1606, six years after Ingegneri's death, Angelo published his uncle's *Fisionomia Naturale*. The book appeared in Naples, although the frontispiece - with its dedication to Filiberto Gherardo Scaglia, Count of Verrua and Ambassador to the Duke of Savoy in Rome - did not reveal the author's name. It did, however, figure the Scaglia's coat of arms with the motto "nosce te ipsum" or "know thyself", which tied in well with a treatise on physiognomy: not only did knowing oneself help individuals to know more about others, thus being of great import to political life, but it also enabled them to reflect upon, modify, simulate and dissimulate their own inner moral inclinations. The motto is particularly interesting since it hints at the originality of Ingegneri's treatise: the link between physiognomy, medicine and anatomy. At the same time, it was included in the frontispiece of many anatomical treatises during the second half of the sixteenth century (CARLINO, 1994a-b).

Just as Ingegneri composed *Fisionomia Naturale*, physiognomy was being called into question by the Roman Church. Although it is impossible to pinpoint the exact date it was

produced, a textual analysis allows us to suppose that his work informed the debate that followed the promulgation of Sixtus V's Bull *Coeli et terrae creator* (1586). This Bull, which continued Gregory XIII's reign of repression, condemned all divinatory arts and judicial astrology (ERNST, 1991). Even if it did not expressly prohibit physiognomy, the Bull revived a lively debate within the Roman congregations; many theologians and jurists, in response to the severity of the papal statements, felt the need to underline the importance and legitimacy of natural physiognomy (BALDINI, SPRUIT, 2009).

Founded on the possibility of interpreting the inner and occult inclinations of men via a system of signs based on the features of the human body, physiognomy had, since its inception, been closely linked to divination. Signs on the hands or forehead, for example, were often directly linked to an astral influence on human destiny: for that reason they raised the problem of the limitation of free will. If the divinatory aspect of physiognomy had been condemned since the first Roman Index of Forbidden Books was released, the prohibition of physiognomy was mitigated by the often unclear distinction (also applied to astrology) between natural physiognomy and judicial physiognomy: natural physiognomy, which was expressly permitted, was firmly linked to medical semiotics and devoted to identifying human complexions, whereas judicial physiognomy, including palmistry and metoposcopy, was explicitly prohibited. The violence of Sixtus's Bull reopened questions concerning the legitimacy of physiognomy, thus inciting authors to elaborate argumentative strategies to defend it. At the same time, during the second half of the sixteenth century, some of the physical premises of physiognomy raised suspicion within the ecclesiastical hierarchy. Certain aspects of Galenic medicine, which believed the soul to be entirely conditioned by anatomical structures and physiologic processes, were considered a threat to Christian principles concerning the immateriality of the soul and the independence of human thought and action from the structures of the body.

The dangers of writing about physiognomy during this period are apparent if we consider the Inquisition's involvement in the editorial history of Giovanni Battista Della Porta's well-known treatise on physiognomy, *Humana physiognomonia* (1586), which shares many points in common with that of Ingegneri, not least its publication history (VALENTE, 1999). Ingegneri's *Fisionomia* was published twice in Naples, piquing the interest of several Neapolitan scholars. Moreover, his *Fisionomia Naturale* was reprinted more than 8 times in miscellaneous books on physiognomy, which also included Della Porta's treatises on physiognomy.

Della Porta's text was published for the first time just a few months after Sixtus's Bull. In this, as in all subsequent editions of his treatise, Della Porta tried to avoid papal prohibition and to legitimize human physiognomy as a science by distancing it from astrology and divination, condemning the latter in accordance with the Papal Bull. From the outset, he underlined the fact that physiognomy was a conjectural art, in which natural signs could only indicate human inclination to virtue or vice. Consequently, it was an art form that did not undermine free will (ed. 1586). Moreover, in his Coelestis Physionomia, written in 1594 but not published until 1603, Della Porta tried to demonstrate that human inclinations and customs do not depend on the influence of the planets, but rather on the natural combination of all the four humours and natural elements, which were expressed via different physiognomic signs. In Chirofisonomia Della Porta made a similar effort to locate physiognomy within the limits of natural philosophy, dealing with the contentious topic of palmistry. These arguments were evidently not enough. In 1592 the Inquisition prevented Della Porta from publishing the Italian translation of Humana Physiognomonia, which had to be printed in Venice, and in 1596 Della Porta's Physionomia was included in the index ut expurgetur. The Inquisition would later ban his Chirofisionomia.

Ingegneri's text deploys the self-same argumentative strategies in a bid to ground physiognomy in natural origins. Yet, after having utilized these "traditional" tactics, he goes one step further, adopting a very original strategy. Having clearly separated physiognomy from judicial astrology and palmistry, he attempts to explain the connections between physical signs and their corresponding inner inclinations by recourse to medical and anatomical explanations only. Indeed, he expressly endeavours to establish a science that is even more advanced than that of the physiognomists themselves: a science that, via a return to natural reason, could explain and demonstrate the physiognomic positions of Aristotle and the other ancients. By adhering to medical and anatomical discourse, the Bishop of Capodistria continued the ancient tradition of medical physiognomy, which had characterized the teaching of physiognomy at the University of Padua during the Middle Ages and which could still be traced in Michele Savonarola's Speculum (1442) (DENIEUL CORMIER, 1956). At the same time, owing to his development of a novel scientific approach, Ingegneri represented a new chapter in the seventeenth-century physiognomic tradition, which, as we see in Camillo Baldi's commentary on the pseudo-Aristotelian text Physiognomonia, linked the Aristotelian tradition to medicine and anatomy (FONTANA, 1999).

As in the pseudo-Aristotelian treatise, Ingegneri begins by analysing the head and explaining how each inner human inclination relates to a particular physical sign. The Aristotelian notion of the "mean", a middle state between two vitious extremes in physical shapes, operated as his benchmark, inidicating virtue and good wit ("buoni costume" and "buon intelletto"); conversely, misshapenness indicated a bad nature. In addition, Ingegneri drew from sixteenth-century treatises on painting and proportions – which themselves afforded particular importance to physiognomy – focusing in particular on their rules for determining a proportioned, handsome, virtuous and well-tempered man. Ingegneri paid particular attention to the face, principally the eyes, and he also provided evidence of how his explanations related to zoomorphic references. Importantly, his explanations were always informed by medical theory on humours and temperaments and, at times, by an attentive analysis of human anatomy.

3. The Danger of Writing on Law

As suggested earlier, unlike the *Fisionomia*, the legal treatise *Contra la sofistica disciplina de' giureconsulti* circulated in handwritten form only. Like the *Fisionomia*, this work belonged chronologically to the literature of the Counter-Reformation, and can be seen as an anomaly within the sixteenth-century Italian political and religious landscape. In particular, it raises some crucial interpretative questions about the importance of legal texts as expressions, within the ecclesiastical hierarchy, of political and religious dissent against the will of the Roman Church. In fact it reveals, within the legal and political culture of the Counter-Reformation, the presence of a particularly advanced mode of thought on law and interpretation; it suggests a particular approach that was rooted in the Venetian legal tradition and directly linked to the circulation, despite religious and political repression, of Gallican and Reformed political and legal ideas in Italy (COZZI, 1981; TEDESCHI, 1981; INFELISE, 1999). These same ideas would be particularly relevant to the anti-Roman political thought elaborated by Paolo Sarpi against the Pontifical "tyranny" during the Venetian "Interdetto", just a few years after Ingegneri's death (VIVANTI, 2005).

Indeed, Ingegneri's treatise proffered a legal model that could serve as an alternative to the ancient Roman law that had inspired the sixteenth-century model of "pontifical sovereignty". It was groundbreaking insofar as it was based on general law and on the prudence of the magistrate, denying any normative value to the consolidated legal tradition of consulting; what is more, it disregarded interpretations of and commentaries on Justinian's *Corpus Juris*, which had a legitimate place in the legal practice of the time.

Ingegneri's focus of interest was, in fact, the government. He stressed in particular the political implications of the jurists' discipline of legal interpretation and commentary. For

Ingegneri, the jurists' practice undermined the prince's sovereignty, revealing him to be a liar in the eyes of his subjects. Only the prince had the authority to legislate, and yet the jurists, by interpreting the law arbitrarily and changing it, became de facto legislators. This legal mutation was extremely dangerous, encouraging subjects to disobey their prince.

Since the political consequences of such legal practices for the prince and the government were so alarming, it stood to reason that they were not even acceptable on theoretical grounds. For Ingegneri, the law could not be organized and ordered rationally, like the – mainly French – legal humanists of the time claimed (VASOLI, 1972; MORTARI, 1978; COUZINET, 1996); such humanistic thinking derived from the reappropriated principles of dialectic and rhetoric to which the Venetian humanists also paid heed (BOLZONI, 2001). The jurists' discipline, consisting merely of the analysis of specific cases in accordance with personal opinion, exceeded the very bounds of science.

Ingegneri's conclusion was radical and, as I have stated, intimately connected to the Venetian legal system, which was founded on Venetian law and the "arbitrium" of the magistrate. Only two things were required for the good governance of the republic: a general law, which had to be clear and accessible to the everyman, and the magistrate's prudence. It was a ground-breaking position that sought to eliminate the legal practice of interpretation and commentary endemic to Europe, denying, for the first time, any legal value to such a custom.

4. Writing on Law with a Renaissance Mind: Law, Medicine and Physiognomy

Let us now return to Ingegneri's theories on the law and the limits of art or science, to which he dedicates chapters 3 to 7 of the first book of his treatise. These chapters allow us a deeper insight into Ingegneri's thought processes, enabling us to appreciate the innate connections between law, medicine and physiognomy – all of which go beyond the humanistic disputes *de nobilitate legum et medicinae* – within the framework of Paduan Aristotelianism (THORNDIKE, 1926; POPPI, 1976; 2001).

Ingegneri focuses first on the fact that the legal practice of the jurists was superfluous to the good governance of the state. He adopts a classical approach, returning to a very original, organic view of public government that simultaneously draws on his physiognomic background. To demonstrate that jurists were not indispensable to the government, he compared the perfect structure of the republic to the interior structure of the human. The public government of a well-ruled republic should reflect, as far as possible, both nature and God's finest creation: man. If reason (a natural human inclination towards justice and

honesty), intellect (a practical form of intellect informed by prudence, which makes people act in accordance with circumstances, nature and God's will), and passion (motions - "le affettioni nostre" - and impulses - "I nostril appetiti" of the soul -) correspond to the law, magistrates, and the people, nothing can be said to correspond to lawyers.

Moreover, to show the damaging nature of the jurists' legal practice for both the public government and the administration, Ingegneri engages in a protracted exploration of the essence and limitations of science and the arts. All the arts and sciences have bounds that, if exceeded, mean they can no longer be considered as such; they henceforth become corrupt and dangerous, inciting people to behave badly. This is consistent with the Aristotelian principle of the mean as the expression of virtue: surpassing the mean transforms medicine into poison, justice into injustice, and virtue into vice. For this reason, doctrines became sophistic and unreasonable.

Ingegneri's references were, once again, nature, animals and God's greatest creation, man. In particular, Ingegneri followed Aristotle's *Rhetoric* (1360a25), providing the example of a deformed nose: the more the nose deviated from Aristotelian regularity and the mean, by being too hooked or too snub, the more it moved away from its function and essence and stopped being a nose. Such an image was likely considered by physiognomists to be particularly efficient, as they could not help but think of Albrecht Dürer's deformed faces. This distortion was detailed in the third book of Dürer's treatise on the symmetry of the human body - *Vier Bücher von Menschlicher Proportion* (1528) -, and was produced by modifying the "mean" of beautiful facial proportions; it resulted in visual extremes that were far removed from the "norm" (PANOFSKY, 1955). Physiognomists like Paolo Gallucci, the Italian translator of Dürer's treatise (1581), who added a fifth chapter on physiognomy to his text, made a link between deformities and wicked moral inclinations. Dürer's pictures, which visually represented these deformations, were deployed quite frequently, particularly following the 1602 edition of Giovanni Battista Della Porta' *Fisonomia*.

Following these methodological premises, Ingegneri was able to assert the political dangers posed by the jurists' practice. In the Aristotelian world of Francesco Piccolomini's *Universa Philosophia de Moribus* (1583), the art of "ruling empires, kingdoms and cities", known as "Civil Science" – "scienza civile" –, was divided in two: there was a theoretical component, which corresponded to Aristotle's *Ethics*, and a practical one, which related to his *Politics*. Laws relating to the theoretical and practical elements of the "Civil Science" were universal and thus scientific. But the application of laws to particular cases was deemed to be "pure action", a process that was beyond the bounds of science. For this reason, it could not

be communicated as a written doctrine. Consequently, the jurists' practice could be considered as a "dangerous art, and a false and sophistic philosophy". It corresponded, in many ways, to the field of medicine. The theoretical constituent of medicine dealt universally with human health, that is, the anatomy and physiology of the healthy man, while the practical element generally focused on the process of convalescence. In this way, both components remained within the limits of a universal science. The treatment of particular diseases was, however, different; it was neither an art form nor a science, but rather the execution of art itself.

The jurists' turn to other sciences, in particular to medicine and physiognomy, was not merely a stylistic choice linked to the particular case of Ingegneri who was, at once, educated in medicine and the author of a treatise on physiognomy. As we shall see in our seminar on Tuesday, such a movement was deeply rooted in the jurists' way of thinking, not least because, in sixteenth-century criminal procedures, physiognomy had a specific legal value.

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